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EXAMINER

MORTELL, JOHN F

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,011	Applicant(s) SQUILLARIO, ROBERTO	
	Examiner JOHN F. MORTELL	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/6/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. Claims 25-48 are pending in the application. The applicant has cancelled claims 1-24.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both "illuminable portion 24" in paragraph [0030] and "support frame 24" in paragraph [0032].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 26, which claims dependency on itself, is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. For purposes of this Office Action, claim 26 will be construed to claim dependency on claim 25. Applicant is required to cancel the

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 uses the word “emitting” in a context in which the claim can be interpreted in way that is internally consistent only if “emitting” means discharging sound, but the word “emitting” also means discharging liquid, light, heat, particles, etc. Because claim 26 includes these other meanings, and because these other meanings render claim 26 unintelligible, claim 26 is both overly broad and indefinite. For purposes of this office action, the word “emitting” in claim 26 will be construed to mean “discharging sound.”

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claim 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Summers (US 3,651,512).

Regarding claim 46, Summers teaches:

warning kit (col. 1, lines 56-61) comprising

a warning device suitable for warning an operator of a patient's request (col. 1, lines 56-61; Summers teaches a communication apparatus for an individual who is sick, weak, or unable to speak, which suggests a patient in communication with a caregiver), said device comprising

handling means, adapted for being handled by the patient for sending a request signal (col. 2, lines 56-61, 70-72; col. 6, line 73 – col. 7, line 7; FIG. 2: 13);

reception means, in operating connection with said handling means, adapted for receiving said request signal (col. 2, lines 59-61; col. 4, line 49 – col. 7, line 7; FIG. 1: 11);

interpreting means, in operating connection with said reception means, adapted for emitting a signal that can be interpreted by the operator (col. 2, lines 61-64; col. 6, line 73 – col. 7, line 7; FIG. 1: 12);

protection means adapted for covering said handling means (col. 7, lines 12-14, 19-21; Fig. 5: 124, 127).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 25, 27, 28, 30-34, 44, and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Glen et al. (US 4,810, 996).

Regarding claim 25, Summers teaches:

warning device being adapted for warning an operator of a patient's request (col. 1, lines 56-61; Summers teaches a communication apparatus for an individual who is sick, weak, or unable to speak, which suggests a patient in communication with a caregiver), said device comprising

handling means, adapted for being handled by the patient for sending a request signal (col. 2, lines 56-61, 70-72; col. 6, line 73 – col. 7, line 7; FIG. 2: 13);

reception means, in operating connection with said handling means, adapted for receiving said request signal (col. 2, lines 59-61; col. 4, line 49 – col. 7, line 7; FIG. 1: 11);

interpreting means, in operating connection with said reception means, adapted for emitting a signal that can be interpreted by the operator (col. 2, lines 61-64; col. 6, line 73 – col. 7, line 7; FIG. 1: 12).

Summers does not teach a warning device associable to a dental seat.

Regarding claim 25, Glen, in the same field of endeavor, teaches a dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein a holster secures the device to a dental chair for the benefit of placing the device within easy reach of the dental patient. (col. 1, lines 62-63; col. 3, lines 9-16, 36-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein a

holster secures the device to a dental chair, as taught by Glen, with the device taught by Summers because it would place the device within easy reach of the dental patient.

Regarding claim 27, the above combination teaches the device according to claim 25, and Summers further teaches a device wherein said interpreting means comprise a display having at least one portion that can be pointed out following the reception, by said interpretation means, of said request signal. (col. 2, lines 61-69; col. 3, lines 48-53; col. 6, line 73 – col. 7, line 7; FIG. 1: 12, 15)

Regarding claim 28, the above combination teaches the device according to claim 27, and Summers further teaches a device wherein said display exhibits a plurality of said portions, each portion being distinguishable from the other. (col. 2, lines 61-69; col. 3, lines 32-46; col. 6, line 73 – col. 7, line 7; FIG. 1: 15)

Regarding claim 30, the above combination teaches the device according to claim 28, and Summers further teaches a device wherein each of said portions is distinguishable from the other by a different position on said display. (See the citations for claim 28.)

Regarding claim 31, the above combination teaches the device according to claim 27, and Summers further teaches a device wherein said portion exhibits a representation of said patient's request. (col. 2, lines 65-67; col. 3, lines 34-46; col. 6, line 73 – col. 7, line 7)

Regarding claim 32, the above combination teaches the device according to claim 27, and Summers further teaches a device wherein said portion is illuminable. (See the citations for claim 28.)

Regarding claim 33, the above combination teaches the device according to claim 25, and Summers further teaches a device wherein said interpreting means comprise sound emission means adapted for emitting a sound signal based on said request signal. (Claim 13)

Regarding claim 34, the above combination teaches the device according to claim 25, and Summers further teaches a device wherein said handling means comprise at least one switch for sending said request signal. (col. 2, lines 72 – col. 3, line 31; FIG. 2: 28, 30, 31, 32)

Regarding claim 35, the above combination teaches the device according to claim 34, and Summers further teaches a device comprising a warning box wherein there is provided said at least one switch. (See the citations for claim 34, and see col. 2. lines 56-61, 70-72; FIG. 2: 13)

Regarding claim 36, the above combination teaches the device according to claim 35, and Summers further teaches a device wherein said warning box is adapted for being gripped by the patient. (col. 2, lines 70-72)

Regarding claim 37, the above combination teaches the device according to claim 33, and Summers further teaches a device wherein said at least one switch exhibits a representation of the patient's request. (col. 6, line 73 – col. 7, line 7)

Regarding claim 38, the above combination teaches the device according to claim 25, and Summers further teaches a device further comprising means for controlling said interpreting means. (col. 2. lines 56-61, 70-72; col. 6, line 73 – col. 7, line 7; FIG. 2: 13)

Regarding claim 39, the above combination teaches the device according to claim 38, but Summers does not teach a device wherein said control means comprise means for adjusting the volume of said interpreting means.

Regarding claim 39, Glen, in the same field of endeavor, teaches a dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein the device includes a volume control for the benefit of providing feedback to the treating person where the patient cannot readily speak or verbally communicate. (col. 1, lines 62-63; col. 2, lines 3-4; col. 3, lines 9-11, 36-43; col. 4, lines 1-2, 15-19, 38-40; FIG. 1a: 38; FIG. 2: 34, 36; FIG. 4a: 38; FIG. 5: 40)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein the device includes a volume control, as taught by Glen, with the device taught by Summers because it would enable the device to provide feedback to the treating person where the patient cannot readily speak or verbally communicate.

Regarding claim 40, the above combination teaches the device according to claim 38, but Summers does not teach a device wherein said control means comprise language setting means.

Regarding claim 40, Glen, in the same field of endeavor, teaches a dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein the device includes a language choice

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switch for the benefit of providing feedback to the treating person where the patient cannot readily speak or verbally communicate. (col. 1, lines 62-63; col. 2, lines 3-4, 62-68; col. 3, lines 9-11, 36-43; col. 4, lines 15-19; FIG. 2: 35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein the device includes a language choice switch, as taught by Glen, with the device taught by Summers because it would enable the device to provide feedback to the treating person where the patient cannot readily speak or verbally communicate.

Regarding claim 44, the above combination teaches the device according to claim 25, and Summers further teaches a device further comprising means for supporting the interpreting means, adapted for placing said interpreting means in a position suitable for the patient's view. (col. 2, lines 56-61; FIG. 1: 11, 12; Summers teaches the housing of a display panel in a generally rectangular box configured to stand upright on a generally planar surface, thereby presenting the display panel in a generally upright orientation to a viewer.)

Regarding claim 45, Summers teaches:

a warning device suitable for warning an operator of a patient's request (col. 1, lines 56-61; Summers teaches a communication apparatus for an individual who is sick, weak, or unable to speak, which suggests a patient in communication with a caregiver), said device comprising

handling means, adapted for being handled by the patient for sending a request signal (col. 2, lines 56-61, 70-72; col. 6, line 73 – col. 7, line 7; FIG. 2: 13);

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reception means, in operating connection with said handling means, adapted for receiving said request signal (col. 2, lines 59-61; col. 4, line 49 – col. 7, line 7; FIG. 1: 11);

interpreting means, in operating connection with said reception means, adapted for emitting a signal that can be interpreted by the operator (col. 2, lines 61-64; col. 6, line 73 – col. 7, line 7; FIG. 1: 12).

Summers does not teach a dental seat associated to a warning device.

Regarding claim 45, Glen, in the same field of endeavor, teaches a dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein a holster may secure the device may to a dental chair for the benefit of placing the device within easy reach of the dental patient. (col. 1, lines 62-63; col. 3, lines 9-16, 36-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the dental patient communication device comprising a hand-held housing with a button by which a dental patient can trigger an audible alarm, wherein a holster may secure the device may to a dental chair, as taught by Glen, with the device taught by Summers because it would place the device within easy reach of the dental patient.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Glen et al. (4,810,996) and further in view of Elden (US 4,701,849).

Regarding claim 26, the above combination of Summers and Glen teaches the device according to claim 25 but does not teach a device wherein said interpreting

means are adapted for displaying said warning that can be interpreted by the operator to the patient before emitting a corresponding audible warning.

Regarding claim 26, Elden, in the same field of endeavor, teaches a signaling device comprising transmitter means wirelessly coupled to a central station having a visual indicator, an audible annunciator, and a digital timer, wherein the audible annunciator is activated a predetermined time after activation of the visual indicator for the benefit of signaling when a service provider has taken an unduly long amount of time to respond to a customer's request. (col. 1, lines 8-12; col. 3, lines 32-46, 59-61; col. 4, lines 6-9, 30-53)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the signaling device comprising transmitter means wirelessly coupled to a central station having a visual indicator, an audible annunciator, and a digital timer, wherein the audible annunciator is activated a predetermined time after activation of the visual indicator, as taught by Elden, with the device taught by the above combination because it would enable the device to signal when an operator has taken an unduly long amount of time to respond to a patient's request.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Glen et al. (US 4,810,996) and further in view of Brown (US 5,040,988)

Regarding claim 29, the above combination of Summers and Glen teaches the device according to claim 28 but does not teach a device wherein each of said portions is distinguishable from the other by a different color.

Regarding claim 29, Brown, in the same field of endeavor, teaches a visual aid device that permits individuals to communicate their feelings and emotions without talking, comprising a display having a plurality of portions, each of which is distinguishable by a different color for the benefit of providing communication without requiring any verbal exchanges. (col. 3, lines 28-31; col. 4, lines 8-37; Fig. 2: 14-20, 62, 64, 70, 72)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the visual aid device that permits individuals to communicate their feelings and emotions without talking, comprising a display having a plurality of portions, each of which is distinguishable by a different color, as taught by Brown, with the device taught by the above combination because it would enable the device to provide communication without requiring any verbal exchanges.

12. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Glen et al. (US 4,810, 996) and further in view of Yoshida et al. (US 5,680,158).

Regarding claim 41, the above combination of Summers and Glen teaches the device according to claim 40 but does not teach a device wherein said language setting means comprise a microprocessor.

Regarding claim 41, Yoshida, in the same field of endeavor, teaches a communication apparatus that permits a person having a hearing, a speech, or a muscular function handicap to communicate with another person by means of characters or voice comprising a control device that controls a process through a

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keyboard of selecting a language for the benefit of enabling character output data to be outputted so as to satisfy the form of a first language or a second language. (col. 1, lines 11-14, 30-33; col. 11, lines 11-14; FIG. 8: 51; FIG. 9: 110)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the communication apparatus that permits a person having a hearing, a speech, or a muscular function handicap to communicate with another person by means of characters or voice comprising a control device that controls a process through a keyboard of selecting a language, as taught by Yoshida, with the device taught by the above combination because it would enable the device to output character output so as to satisfy the form of a first language or a second language.

Regarding claim 42, the above combination of Summers and Glen teaches the device according to claim 40 but does not teach a device wherein said language setting means comprise a voice recording device adapted for recording the operator's voice.

Regarding claim 42, Yoshida, in the same field of endeavor, teaches a communication apparatus that permits a person having a hearing, a speech, or a muscular function handicap to communicate with another person by means of characters or voice comprising a voice device in which voice information can be recorded for the benefit of enabling a voice output to be made by means for outputting information about the user's intention. (col. 1, lines 11-14; col. 3, lines 1-3; col. 11, lines 20-25; col. 16, line 18 - col. 17, line 30; Fig. 1: 56, 56a, 56b, 56c, 56d; FIG. 8: 56b, 56d)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the communication apparatus that permits a person having a hearing, a speech, or a muscular function handicap to communicate with another person by means of characters or voice comprising a voice device in which voice information can be recorded, as taught by Yoshida, with the device taught by the above combination because it would enable the device to output a voice by means for outputting information about the user's intention.

13. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Glen et al. (US 4,810,996) and further in view of Goldberg (US 6,817,470 B1).

Regarding claim 43, the above combination of Summers and Glen teaches the device according to claim 25 but does not teach a device comprising removable protection means for covering said handling means.

Regarding claim 43, Goldberg, addressing the same problem of how to configure a protective device for a remote control, teaches a disposable, collapsible, removable sleeve holder for remote controls and similar devices for the benefit of protecting the remote control from environmental elements and preventing the user's hands from encountering unsanitary conditions. (col. 2, lines 3-11, 39-43; col. 3, line 66 – col. 4, line 2; col. 4, lines 51-54, 58-61, 64-67; col. 5, lines 3-6; FIG. 4; FIG. 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disposable, collapsible, removable sleeve holder for remote controls and similar devices, as taught by Goldberg, with the device taught by the above

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combination because it would enable the device to protect the remote control from environmental elements and prevent the user's hands from encountering unsanitary conditions.

14. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (US 3,651,512) in view of Kramer (US 5,030,013).

Regarding claim 47, Summers teaches the warning kit according to claim 46 but does not teach a warning kit wherein said protection means comprise a plurality of covers associable to said handling means and removable from them.

Regarding claim 47, Kramer, addressing the same problem of how to configure a protective cover for storage of an object, teaches an improved container for the storage of personal valuables in a water-tight environment, wherein the container includes an input section, a bag, and a pouch-like structure, called a retainer, that holds the curled input section in place for the benefit of maintaining the closure provided by the curled input section, thereby rendering the container waterproof. (col. 4, lines 50053, 62-66; col. 5, lines 27-42; FIG. FIG. 1: 12, 14, 16; FIG. 3: 12, 16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the improved container for the storage of personal valuables in a water-tight environment, wherein the container includes an input section, a bag, and a pouch-like structure, called a retainer, that holds the curled input section in place, as taught by Kramer, with the warning kit taught by Summers because it would enable the warning kit to maintaining the closure provided by the curled input section, thereby rendering the container waterproof.

Regarding claim 48, Summers teaches the warning kit according to claim 46 but does not teach a warning kit wherein said protection means comprise a plurality of bags adapted for containing said handling means.

Regarding claim 48, Kramer, addressing the same problem of how to configure a protective cover for storage of an object, teaches an improved container for the storage of personal valuables in a water-tight environment, wherein the container includes an input section, a bag, and a pouch-like structure, called a retainer, that holds the curled input section in place for the benefit of maintaining the closure provided by the curled input section, thereby rendering the container waterproof. (col. 4, lines 50053, 62-66; col. 5, lines 27-42; FIG. FIG. 1: 12, 14, 16; FIG. 3: 12, 16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the improved container for the storage of personal valuables in a water-tight environment, wherein the container includes an input section, a bag, and a pouch-like structure, called a retainer, that holds the curled input section in place, as taught by Kramer, with the warning kit taught by Summers because it would enable the warning kit to maintaining the closure provided by the curled input section, thereby rendering the container waterproof.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN F. MORTELL whose telephone number is (571)270-1873. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JM/

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612